

1 GIBSON, DUNN & CRUTCHER LLP
2 S. ASHLIE BERINGER, SBN 263977
3 ABeringer@gibsondunn.com
4 JOSHUA JESSEN, SBN 222831
5 JJessen@gibsondunn.com
6 MOLLY CUTLER, SBN 261192
7 MCutler@gibsondunn.com
8 JACOB A. WALKER, SBN 271217
9 JWalker@gibsondunn.com
10 1881 Page Mill Road
11 Palo Alto, California 94304
12 Telephone: 650.849.5300
13 Facsimile: 650.849.5333

14 Attorneys for Defendant
15 APPLE INC., A CALIFORNIA CORPORATION

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 In re iPhone Application Litigation

20 CASE NO. 11-MD-02250-LHK

21 **CLASS ACTION**

22 **NOTICE OF WITHDRAWAL OF**
23 **DEFENDANT APPLE INC.’S MOTION TO**
24 **DISMISS (1) PLAINTIFFS GUPTA,**
25 **FREEMAN, M. BURKE, AND W. BURKE,**
26 **AND (2) CLAIMS OF PUTATIVE**
27 **GEOLOCATION CLASS FROM**
28 **PLAINTIFFS’ SECOND AMENDED**
29 **COMPLAINT**

1 TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Defendant Apple Inc. hereby withdraws its motion for an order
3 dismissing non-resident Plaintiffs Arun Gupta, Dustin Freeman, Marcia W. Burke, and William C.
4 Burke from Plaintiffs' Second Amended Consolidated Class Action Complaint ("SAC"), as well as
5 dismissing the claims of the putative "Geolocation Class." Dkt. No. 76. On October 4, 2012,
6 Plaintiffs filed a Third Amended Consolidated Class Action Complaint naming two new plaintiffs,
7 each of whom allegedly resides in California, and removing named plaintiffs Arun Gupta, Dustin
8 Freeman, Marcia W. Burke, and William C. Burke. Dkt. No. 104. Apple therefore withdraws its
9 motion to dismiss these plaintiffs, as well as its related request for an order dismissing the claims of
10 the putative Geolocation Class, which was previously represented solely by Plaintiff Gupta.

11 Dated: October 10, 2012

Respectfully submitted,

12 GIBSON, DUNN & CRUTCHER LLP

13 By: _____ */s/ S. Ashlie Beringer*
14 S. Ashlie Beringer

15 Attorney for Defendant
16 APPLE INC.

DECLARATION OF SERVICE

I, S. Ashlie Beringer, declare as follows:

I am employed in the County of Santa Clara, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, California 94304, in said County and State. On October 10, 2012, I served the within **NOTICE OF WITHDRAWAL OF DEFENDANT APPLE INC.'S MOTION TO DISMISS (1) PLAINTIFFS GUPTA, FREEMAN, M. BURKE, AND W. BURKE, AND (2) CLAIMS OF PUTATIVE GEOLOCATION CLASS FROM PLAINTIFFS' SECOND AMENDED COMPLAINT** to all named counsel of record as follows:

BY ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by the undersigned on October 10, 2012, at Palo Alto, California.

/s/ S. Ashlie Beringer

S. ASHLIE BERINGER